

**ADEPT**  
**Legal Commentaries**

June 2004

## Parliament activity, May 31 - June 4, 2004

7 June 2004

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The latest Parliament session held on June 3, 2004 had two major goals:

1. Overview of the outcomes of administrative-territorial reform;
2. Unable deputies from all parliamentary factions to raise questions and issues.

Both issues were fiercely debated with administrative-territorial reform proponents proving the efficiency of the undertaken measures and opponents arguing that it was useless and served only subduing local government. Senior Deputy Prime Minister Vasile Iovv that reported on the issue mentioned that both economic growth and GDP growth, surge in volume of exported goods, as well as gaz supplied to numerous localities were the concrete outcomes of the administrative-territorial reform. He concluded that the reform was a successful one and that it had a positive impact on the country development.

Opposition deputies viewed the revision of local public administration system as an anti-reform, they argued that the money spent on its enforcement were unjustly high as the reform failed to bring local government closer to people. In this respect, they cited many problems related to limiting the number of local officials, financial dependence of administrative-territorial units on central government and rayon authorities, politicization of administration structures, lack of material resources, etc.

In the time allotted for questions and answers deputies engaged in mutual criticism, with majority faction blaming opposition leaders for promoting their economic and financial interests, whereas opposition blaming ruling party of frauds and corruption. In addition, opposition once again called on information they had previously demanded from the Government to be finally made public.

During the plenary session a number of legal acts of major importance were examined, some of which shall be given a due consideration below.

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### I. Law on Establishing Insolvency Procedure for Financial Institutions

**ADEPT Comment:** The law passed by the Parliament provides some exemptions from the Law on Insolvency, thereby insolvency procedures against certain financial institutions started until February 15, 2002 shall be undertaken in compliance with the law in force at the time the procedures were started.

The reason for passing the law was the fact that throughout 1996- 2002 National Bank withdrew a number of licenses to financial institutions and appointed ex officio administratios to oversee liquidation procedures. Due to the fact that insolvency procedures continued even after the enforcement of the new Law on Insolvency it was necessary to provide for their settlement under the previous legal provisions.

Noteworthy, on November 14, 2001 Parliament passed the Law on Insolvency, thus abrogating the Law no. 786-XIII of March 26, 1996 on Bankruptcy and the Law on Restructuring Enterprises no. 958-XIII of July 19, 1996.

## **II. Law on Deducting the Amounts Wired to the Fund for Guaranteeing Bank Deposits**

**ADEPT Comment:** The law provides that financial institutions that contribute to the Fund for guaranteeing bank deposits, shall be allowed to deduct the obligatory contributions set by the Law on Guaranteeing Natural Entities Bank Deposits in the Banking System.

On December 26, 2003 Parliament passed the Law on Guaranteeing Natural Entities' Bank Deposits in the Banking System aimed at guaranteeing bank deposits of natural entities in banks authorized by the National Bank of Moldova. Upon the enforcement of the law a Fund for Guaranteeing the Deposits in the Banking System was established as a legal entity. Banks authorized by the National Bank are obliged to pay fees to the fund.

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## **III. Law on canceling the penalties and sanctions incurred but not paid by "Fabrica de brinzeturi din Leova"**

**ADEPT Comment:** Parliament cancelled the penalties and sanctions due by the Leova Cheese Factory to the state social insurance budget, amounting to 1.2 million Lei. The state had to intervene as the company failed to pay back the credit, due to the fact that the major suppliers of raw material disappeared from the market.

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## **IV. Draft law on the amendment of legal acts in the field of telecommunications**

**ADEPT Comment:** The draft passed by the Parliament in the first reading provides for including a new article in the Code of Administrative Offence, namely on *Using numbering resources without an authorizations or transferring those resources to other persons*. The sanction proposed for such violations would represent a fine of up to 36 thousand Lei. In addition, National Agency for Regulations in Telecommunications and IT shall be responsible for applying those sanctions.

The amendment stems from the fact that numbering resources are in the exclusive property of the Republic of Moldova, and are subject to a special administration and assignment procedure. Under the law telephone numbers may not be used by legal entities at their own will, as this might incur damages to the state domestically and on international scale.

Already, there are cases of procedure violations, therefore it is recommended to complet the Code of Administrative Offence with a new Article 142/6 "Using numbering resources without an authorization or transferring numbering resources to other persons".

## Parliament activity, June 7-11, 2004

17 June 2004

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During the aforesaid period deputies worked mainly in commissions and factions, therefore the plenary session struck a time record, while the issues on agenda were harshly debated.

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### I. Law on the Amendment of Article 49 of the Fiscal Code

**ADEPT Comment:** The law was an initiative of the President and was presented as major step in supporting the small-too-middling business. The law provides that certain businesses would be entitled to total exemption from the income tax for a three-year period, namely:

- Whose annual number of employees does not exceed 19 persons, whereas the turnover does not exceed 3 million Lei, regardless of the legal form or type of activity;
- Farms established in line with the Law on Farming Associations;
- Agricultural cooperatives providing services in line with the Law on Entrepreneurial Cooperatives, provided that at least 75% of the production/ services are provided to their own members and/or benefits are procured from the members in an amount of at least 75% of the production purchased by the cooperative.

Leading businesses on the market, where the quota of shareholders who are not representing the small business exceeds 35%; manufacturers and importers of goods subject to excises; fiduciary companies and insurance companies; investment funds; and banks shall not be entitled to the aforesaid exemptions.

A business would be entitled to the exemption once it concludes a special agreement with the State Fiscal Inspectorate. The law also outlines the case when the exemption may cease, in particular:

- On the date the application is filled it did not meet the requirements;
- During the time exemption is in force, the business is joined by one or more entitles, which are not subject to this law;
- The business joins one or more of the entities, which are not subject to the law, etc.

## **II. Law on the Ratification of International Acts in the Telecommunications**

**ADEPT Comment:** The Parliament ratified the following documents:

1. **Instrument for the modification of the Convention of the International Telecommunication Union.**
2. **Instrument for the modification of the Statute of the International Telecommunication Union.**

The aforesaid documents were adopted by the Union back in 2002. Modifications refer to the election and activity of Union governing bodies, access to the plenipotentiary conferences, etc. They also refer to the responsibilities, obligations and methodology of the Council, General Secretariat and Committee for Regulations in Radio-communications within the Union. Finally, modifications referred to the membership quota to be paid by each member country.

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## **III. Law on the Ratification of the Resolutions of the Council of CIS Chief of States**

**ADEPT Comment:** The law ratified the resolution passed in 2003 thereby amendments to the CIS statute were operated. In particular those modifications referred to alphabetical rotation of the chairmanship (Council of the Chief of States, Chief of governments and Foreign Ministers).

Noteworthy, the amendment was necessary as several years in a row Russia hold the chairmanship, fact that raised some criticism among member states.

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## **IV. Draft law on the subsidized insurance of the risks of agricultural production**

**ADEPT Comment:** The draft passed in the first reading is aimed at ensuring stable production in agriculture by means of subsidized insurance of the risks of production in agriculture. It regulates the relationships between insurance companies and legal or natural entities, i.e. agricultural producers and fisheries in the process of insuring risks of production, insurance interests being subsidized by the state.

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## **V. Draft law on completing the Law on Privatization**

**ADEPT Comment:** The draft passed in the first reading introduces a new provision whereby the state would not guarantee the right on property on the entities located on the territories controlled by the separatist regime from the left of Dniester, if they are privatized without prior agreement of the Government.

The need to amend the law stems from the fact that secessionist authorities in Tiraspol launched a wide-scale privatization of the industry (over 75 enterprises). While the draft was debated both opposition and majority faction engaged in fierce debates on whether the amendment is appropriate or not.

## **VI. Draft law on the modification of the laws on issuing IDs to minors upon exiting the country**

**ADEPT Comment:** President of the country submitted the draft in view of combating the trafficking of children. It recommends certain measures:

1. Minors shall be allowed to leave the country only accompanied by the designated person in the presence of the notary (so as to keep a record of the persons accompanying children).
2. Minor should consent in full knowledge to going abroad.
3. Minors shall obligatorily hold IDs (foreign passports) that would allow them to exit the country.

This last requirement gathered a rich harvest of criticism from deputies on the grounds it incurs additional costs to the families.

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## **VII. Draft law on single agriculture tax**

**ADEPT Comment:** The draft provides for testing a single agriculture tax in certain localities of the country. The experiment will serve basis for deciding whether the mechanism is efficient and whether the tax should be applied throughout the country.

Single agriculture tax is to include income tax for entrepreneurship, VAT except for VAT on imports, real estate tax, taxes to the road fund, tax on water and on territory planning. The other taxes and fees shall be paid as provided by the law.

Single tax quotas are to be established on a yearly basis, as follows:

- a. 2.1 Lei - for a 1 hectare of plots subject to cadastre indicators;
- b. 1.50 Lei - for 1 hectare of plots not subject to cadastre indicators.

## **Parliament activity, June 14-18, 2004**

23 June 2004

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During the aforesaid period, Parliament examined several pieces of legislation some of them of major importance, in particular on presidential elections and investment funds.

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### **I. Law on the Amendment of the Law on the Procedure of Electing the President of the Republic of Moldova**

**ADEPT Comment:** A group of majority faction deputies come up with a proposition to amend the law (adopted by the Parliament simultaneously in two readings) in particular paragraph 2 of Article 1 of the law "Parliament of the same legislature elects a President only once, except for cases of vacancy of the Presidential seat (upon resignation, ousting, decease, or impossibility to exercise the responsibilities)". That aspect was not clearly stipulated in the Constitution provisions modified after the 2000 constitutional reform when the country shifted to parliamentary form of governing. As it stands now, the Parliament may formally proceed to electing the President at most 45 days before the expiration of the President mandate.

Opposition faction also came up with a draft in this respect that envisaged that election of the President may be conducted within two months after the mandate expiration. The draft was not supported by the Parliament as it allowed extending the mandate of the President in office, which might lead to any kinds of political conflicts or deadlock, if for instance the President is in conflict with Parliament and chooses not to promulgate organic laws on validating a new President.

By passing the amendment, Parliament confirmed its intention not re-elect the same president by the same legislature, rather giving this right to the next legislature. However, as there are no such provisions in the Constitution any legislature may choose to cancel this provision and elect the president, thus running the risk of raising severe criticism.

Noteworthy, according the current law President is elected at most 45 days before the day President mandate expires. Election date is set via a Parliament resolution.

Any citizen of the Republic of Moldova entitled to vote and who has reached 40 years of age, resided or resides on the soil of the Republic of Moldova for at least 10 years may run for the presidency.

Candidates for the Presidential office may be designated at his/her own initiative (provided is supported by 15 deputies) or by a group of at least 15 deputies.

The candidates who received 3/5 of the votes of elected deputies shall be considered elected. If none of the candidates gathers the necessary number of votes, the second round of elections shall be held no latter than 3 days, with the two candidates who received the highest number of votes running. If only one candidate runs in the first round and fails to gather the necessary number of votes, or if none of the candidates running in the second round receive the necessary number of votes than repeated elections are held. Upon parity of votes in the first round, the specially designated commission shall decide by lots the two contestants to run in the second round.

Based on the information submitted by the special commission, Parliament passes a resolution confirming the elected President. Within 3 days of receiving the Parliament Resolution, Constitutional Court shall examine at a public session the constitutionality of the election of the President of the Republic of Moldova and shall issue a ruling on validating election results, which shall be made public immediately.

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## **II. Law on Ratification of International Acts on Free Trade**

**ADEPT Comment:** Parliament ratified Free Trade Agreement between the Government of the Republic of Moldova and Government of Macedonia, as well as with Ministerial Council of Serbia and Montenegro. The two documents provide for the establishment of free economic zones and trade liberalization; moreover canceling customs taxes on import and export of industrial merchandise.

The two documents also refer to the general trade terms, such as guaranteeing free transit, introducing and applying antidumping, compensation and safeguard measures, taking defense measures upon unjustified subsidies from the state, protecting copyright, sanitary and phytosanitary measures, applying WTO mechanisms for litigation, etc.

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## **III. Law on Modification of the Law on State Budget for 2004**

**ADEPT Comment:** Under the law, National Bank shall provide a loan worth 50 million USD for a five year period, which is to be used for servicing foreign debt.

Government used the loan to buy back the debt on securities issued to Russian Gazprom, worth 115 million USD. The move allowed to save budget funds worth 60 million USD.

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## **IV. Resolution on designating a new member of the Observer Council of the Teleradio-Moldova Public Broadcaster**

**ADEPT Comment:** At the joint recommendation of all parliament factions, Victor Osipov, Chair of the Association of Electronic Press APEL was designated to the Observer Council. He will fill in the vacancy, after Vasile Butnaru resigned (no reasons were disclosed).

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## **V. Draft law on modification of the Law on Investment Funds**

**ADEPT Comment:** The draft passed in the first reading provides for changes in the operation of investment funds and their reorganization from non-mutual funds into mutual funds or other legal forms. Modifications stem from the fact that upon the enforcement of the Law on Investment Funds, investment funds reorganized into non-mutual funds without buying back their own shares from their shareholders. As a result, shareholders of the non-mutual investment funds lost control over the funds, thus becoming shareholders not getting any revenues from the assets in the funds' administration. Under the draft, non-mutual investment funds shall reorganize in other investment funds or other legal form, or would decide on their liquidation. Also,



under the draft, the funds that would not comply with the requirements would be liquidate in line with the law.

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## **VI. Draft law on the modification of the Code of Civil Procedure**

**ADEPT Comment:** Via the Constitutional Court ruling no. 2 of February 19, 2004 on the control over the constitutionality of certain provisions of Article 416 of the Code of Civil Procedure that limited the time allotted to participants to the trial to only 30 minutes. To ensure the enforcement of the said ruling the respective procedures had to be abrogated in the law. At the same time, the draft explains in greater detail the provisions allowing the Chair of the session to limit the time allotted to each part if he/she finds that their speech is not to the point.

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## **VII. Draft law on the modification of legal acts on the activity of agricultural cooperatives**

**ADEPT Comment:** The draft is intended to encourage reorganization of trade associations and enterprises having a natural entity status into agricultural enterprises. The pretext for amendments is to attract investments and boost agricultural production. Critics of the law argue that the real goal is to form production cooperatives, which are to concentrate the land in their hands and in a way return to some kind of kolhoz.

## Parliament activity, June 21-25, 2004

30 June 2004

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During the aforesaid period Parliament examined several legal acts, some of which raised a rich harvest of criticism.

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### I. Law on State of Emergency, Siege and War

**ADEPT Comment:** The organic law passed by the Parliament outlines:

- Terms, methods and conditions for declaring the state of emergency, siege or war;
- Competencies of the authorities declaring the state;
- Measures to be applied during the state of emergency, siege or war;
- Rights, obligations and responsibilities and liability of natural and legal entities during the relevant state.

The law also defines the state of emergency, siege and war. Under the law during the relevant state legal acts adopted prior to declaring such a state shall be applied as long as they do not run counter to this law.

During the state of emergency, siege and war some citizens' rights and liberties may be restricted proportionally to the gravity of the situation, as provided by the Constitution. Those restrictions should be in line with the obligations assumed by the country as part of international treaties on the human rights, and shall not involve discrimination of persons or groups of population based on race, nationality, sex, language, religion, political affiliation or social origin.

During the aforesaid states, Parliament may not be dissolved, while its mandate should only be prolonged via an organic law. The state of emergency, siege or war shall be declared via a resolution of the Parliament. The decision to declare a state of emergency, siege or war shall include: the grounds for declaring the state; bodies entrusted to enact the state, etc. The decision on the state of emergency, siege or war shall enter into force upon its adoption and shall be immediately communicated to the population via all mass media means. It shall be also published in the Official Monitor.

*Note: For more details on the law please see [ADEPT commentary, May 24-28, 2004](#).*

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### II. Law on Modification of Legal Acts on Pension Indemnification

**ADEPT Comment:** Under the law citizens affected by the Chernobyl accident shall have their pension yearly indemnified on April 1. The indemnification ratio shall be established by calculating average ratio between yearly price hike and yearly salary growth.

### **III. Law on the Modification of the Law on Licensing**

**ADEPT Comment:** Under the law passed by the Parliament 45 types of activities shall be subject to licensing. The law also stipulates that Licensing Chamber together with specialised local government bodies shall verify the compliance with the law no often than once a year. The law also outlines the grounds for withdrawing the license such as:

- False data in the application documents;
  - Illegal engagement in other activities subject to licensing without holding a relevant license for that purpose;
  - Illegal engagement in licensed activities in branches or subdivisions or other separate units not indicated in the license;
  - Failure to meet the deadlines for submitting the application for issuing a copy of the lost or damaged license.
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### **IV. Law on the Construction of the Block for Studies of the National Institute for Physical Training**

**ADEPT Comment:** The law provides for a derogation from the provisions of the Law on Education by allowing the completion of the block of studies and sports facilities for the National Institute for Physical Training on the investors' expense (estimated at around 80 million Lei). In return for covering the expenses the investor would get into his property the block of studies (about 3 thousand square metres) and neighbouring territories (around 4.8 ha), worth 35 million Lei. Actually the law triggered a lot of debates, opposition deputies pointing to the misleading character of the proposed procedure and required compliance with the Law on Privatisation. In response, majority faction cited the importance of supporting sports and invoking Parliament's absolute right to decide on any legislative matters.

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### **V. Law on Granting Certain Plots to Milestii-Mici Wine Factory**

**ADEPT Comment:** Under the law a 100 hectare plot (currently in the use of Ministry of Justice and Ministry of Healthcare) is granted to the wine factor. It is expected that the plot shall be used for growing high quality winning material.

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### **VI. Law on Ratification of International Acts**

**ADEPT Comment:** The law ratified the following documents:

**1. Protocol on the privileges and immunity of the Parliamentary Assembly of the Black Sea Economic Cooperation Organization.** Under the document representatives of the member-states Parliaments shall enjoy certain privileges and immunity while exercising their mandate and travelling to the place of work, such as immunity from arrest or detention, immunity from any kind of trial based on the words spoken or written in their capacity as representatives of member-states, right to immigrate together with their family members to the member-states of the Black Sea

Economic Cooperation Organization, which they visit or travel to while exercising their functions, etc.

Those benefits and immunities are not granted to MPs for their own personal benefit but rather to enable them to independently exercise their function in the Parliamentary Assembly. Respectively, any member state is entitled to suspend the immunity of its representative in any of the cases when immunity would impede justice or when it may be suspended without any prejudice to the purpose the immunity was granted for.

## **2. Free Trade Agreement between Republic of Moldova and Albania**

The Agreement includes standard provisions for this kind of bilateral agreements, and follows the requirements of the WTO. It aims at promoting foreign trade, ensure level playing field and abolishing technical barriers.

## Parliament activity, June 28 - July 2, 2004

6 July 2004

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During the aforesaid period, Parliament was busy passing legal initiatives submitted by the President. These documents, especially the Code on Science triggered harsh debates both among the legislators and scientific community.

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### I. Law on Completion of the Law on Citizenship

**ADEPT Comment:** The law drafted by the Presidency is aimed at facilitating acquiring citizenship by persons who resided or still reside on the soil of the Republic of Moldova (including Transdnistrian region). Under the law, persons who resided on the soil of the Republic of Moldova prior to June 23, 1990 and still reside there are considered to be citizens of the Republic of Moldova. Currently, citizenship is granted with no restrictions to:

- person born on the soil of the Republic of Moldova, or persons who has at least one parent or grandparent born of the aforesaid soil;
- persons who resided in Bassarabia, North Bucovina, Herta and the Soviet Socialist Republic of Moldova, their heirs if they normally reside on the soil of the Republic of Moldova;
- persons deported or refugees from the soil of the Republic of Moldova commencing June 28, 1940, as well as their heirs.

Via the same law, Parliament exempted pensioners and disabled from the obligation to pass an exam on language and Constitution when they apply for citizenship. Opposition in Parliament criticized the latter provision. Still it was included in the law, on the grounds that those persons have neither physical nor psychological ability to comply with the provision.

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### II. Law on Modification of the Law on Preventing and Fighting Money Laundering

**ADEPT Comment:** The law raised the minimal ceiling on which banking form is to be filled by the natural or legal entity within three months. Respectively, a new norm was added to Article 4 of the law whereby natural entities are obliged to fill a special form for each transaction in cash exceeding 300,000 Lei, while organizations will have to do so for each transaction exceeding 500,000 Lei. The form shall be filled in case the transactions made throughout the month reach the aforesaid amount. It shall be submitted to Centre for Fighting Economic Crime and Corruption within 15 days, which may control any suspicious transaction and trace the money.

### III. Law on Modification of Legal Acts on State Budget

**ADEPT Comment:** The law refers to the fiscal and budgetary policy Government intends to promote in 2005. It is recommended in the next year to:

- reduce by 2% the income tax for legal entities (this year it is 20%, whereas in 2005 Government it is proposed to be 18%);
- reducing income tax for natural entities by increasing the personal exemption from 3,600 Lei this year to 3,960 Lei in 2005, increasing annual exemption for persons in care from 240 Lei in 2004 to 600 lei in 2005, as well as reducing the maximal quota of taxation from 10%, 15% and 22% in 2004 to 9%, 14% and 20% in 2005 respectively.

Government believes those measures would boost economy, as businesses would be able to increase manufacturing output and invest in development.

Those fiscal measures would help bridge the gap between the exemptions to the income tax of natural entities and subsistence level. Also, they will contribute to the legalization of income of businesses and natural entities, which in turn would enlarge fiscal base and increase budget revenues.

Government is to take this law into consideration when drafting state budget for 2005, which is due to be submitted to Parliament by October 1.

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### IV. Draft Code on Science and Innovation

**ADEPT Comment:** The document was developed by the Academy of Science at the initiative of the Presidency and is aimed at "improving the climate in science and innovation, perfecting cooperation in the field, establishing adequate conditions for bolstering scientific research and transfer of know-how". There are several factors that makes a reform imperative:

- in the last 12 year the patrimony of the science sectors dropped to 90 - 95%;
- intellectual capital dropped from 33,000 to 7,500 researchers;
- science continues to be under funded;
- brain-drain continues;
- scientific outputs are not commercialized;
- lack of efficient interaction between science and education system.

The Code has three major tasks:

1. establishing an innovation climate by creating juridical, fiscal and organizational incentives for those who are doing science, bolstering innovations and transfer of know-how;
2. establishing a social comfortable and dynamic social climate, thereby science, education and innovations would become prestigious, where dispersed professional resources would turn into an ever-growing intellectual capital;

3. establishing a new democratic administration culture, based on knowledge, openness and competence.

The Code would acknowledge and strengthen the role of the Academy of Science, which shall become "the only public institution of national importance working in the field of science and innovation". In addition, all the scientific projects shall be exclusively funded via the Academy, for which purpose it would conclude a four-year Partnership Agreement with the Government

The draft also envisages a change in evaluation methods and attestation of scientists. It is proposed to establish a National Council on Accreditation and Attestation - the public authority in evaluating organizations operating in the field of science and innovation and attesting professors in the field. All the state scientific institutions shall obligatorily undergo accreditation, whereas accreditation of private or non-governmental organizations shall be up to those organizations. Organizations that undergone attestation shall receive the institutional membership or affiliated membership. The first one entitles the organization to full funding of its scientific or innovation projects from the state budget.

Another important provision is the establishment of the Agency for Protecting Intellectual Property by merging the Agency for Protecting Industrial Property and Copyright Agency.

The draft also provides for:

- establishing a system of financial incentives for scientists;
- increasing scholarships for PhDs;
- increasing the quota allotted to science in GDP.

The draft gathered a rich harvest of criticism. Many deputies, including in the majority faction opposed the draft on the grounds that its enforcement would only boost bureaucracy and concentration of resources which might in the end discourage any initiative from affiliated institutions. It is still unclear how academic community feels about the draft as it was not subject to public debates. In the end the Code was adopted in the first reading, meanwhile the provisions should be worked out.

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## V. Draft law on e-commerce

**ADEPT Comment:** Yet another initiative of the President envisaging e-commerce was passed in the first reading. The draft establishes the legal framework for e-commerce, principles of state support and regulation of e-commerce, etc. The main provisions refer to:

- freedom to practice e-commerce without a license being needed;
- equality in rights of legal and natural persons in e-commerce;
- not allowing priorities or limitations of rights of the subject of the e-commerce;

- non limitation of e-commerce to certain categories of goods or certain territories.
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## **VI. Draft law on modification of the Law on Manufacturing Cooperatives**

**ADEPT Comment:** The draft is aimed at undercutting negative trends in agriculture and also boost the establishment of manufacturing cooperatives in agriculture.

Under the draft, members of the cooperative voluntarily transfer into the cooperative property agricultural plots for a 30 years period. The cooperative would use the agricultural plots in line with the law and bylaws of the cooperative and would act in the best interest of the plot owners.

The draft was harshly debated on the grounds it would revive soviet type kolkhoz and would deprive owners of their land. Lawmakers argued that it is necessary to concentrate the plots as well as production means.